

**CITY OF MONTEREY PARK
PLANNING COMMISSION AGENDA**

REGULAR MEETING

**Monterey Park City Hall Council Chambers
320 West Newmark Avenue
Monterey Park, CA 91754**

**TUESDAY
FEBRUARY 24, 2015
7:00 PM**

MISSION STATEMENT

**The mission of the City of Monterey Park is to provide excellent services
to enhance the quality of life for our entire community.**

Staff reports, writings, or other materials related to an item on this Agenda, which are distributed to the Planning Commission less than 72 hours before this scheduled meeting are available for public inspection in the City Clerk's Office located at 320 West Newmark Avenue, Monterey Park, CA 91754, during normal business hours. Such staff reports, writings, or other materials are also on the City's website subject to staff's ability to post the materials before the meeting. The City's website is located at <http://ci.monterey-park.ca.us/home/index.asp>. Copies of staff reports and/or written documents pertaining to any item on the Agenda are on file in the Community and Economic Development Department – Planning Division and are available for public inspection during regular business hours.

PUBLIC COMMENTS ON AGENDA ITEMS

For members of the public wishing to address the Planning Commission regarding any item on this Agenda, including Oral Communications, please fill out a speaker card and return it to Planning staff before the announcement of the Agenda Item.

Speakers are provided five (5) minutes per individual on each published agenda item. Individual speakers may consolidate time with another speaker's time; the total consolidated time cannot exceed two (2) minutes per speaker giving up time. However in the interest of ensuring that all members of the Public have an equal opportunity to participate, a single speaker cannot speak for more than ten (10) minutes on an individual Agenda item. If there are a large number of speakers on a particular agenda item, the Chairperson, as confirmed by the Planning Commission, may reduce the amount of time allotted to each speaker or limit the total amount time allowed for speakers to address the agenda item. At the conclusion of that period of time, the speaker will be asked to please conclude their remarks so that the next speaker may begin their comments.

In accordance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please call City Hall, (626) 307-1359. Please notify the Community and Economic Development Department twenty-four hours prior to the meeting so that reasonable arrangements can be made to ensure availability of audio equipment for the hearing impaired. Council Chambers are wheelchair accessible.

CALL TO ORDER – Chairperson Rodrigo Garcia

ROLL CALL – Commissioners Choi, Hamner, Lam, and Sullivan

AGENDA ADDITIONS, DELETIONS, CHANGES AND ADOPTIONS

ORAL AND WRITTEN COMMUNICATIONS

MINUTES

PUBLIC HEARINGS

[1.] UNFINISHED BUSINESS

[1-A. CODE AMENDMENT – REGULATING BOARDING HOUSES AND ADDING DEFINITIONS \(CA-15-01\)](#)

The City is initiating a code amendment to amend Monterey Park Municipal Code ("MPMC") § 21.04.147 regulating boarding houses; adding § 21.04.037 defining adult care facility; amendment MPMC § 21.04.251; deleting § 21.04.469 defining home care; adding § 21.04.483 defining sober living facility; amending § 21.04.743 defining residential care facility; adding § 21.04.799 defining single-family residence; amending § 21.04.812 defining sober living facility; amending § 21.08.030 regulating land uses in the R-1 zone; amending § 21.08.040 regarding renting; and amending § 21.32.020 regulating renting of boarding houses.

This ordinance is exempt from additional environmental review under the California Environmental Quality Act (California Public Resources Code §§ 21000, *et seq.*, "CEQA") and CEQA regulations (14 California Code of Regulations §§ 15000, *et seq.*) because it establishes rules and procedures to permit operation of existing facilities; consists only of minor revisions and clarifications to existing regulations and specification of procedures related thereto; and consists of actions taken to assure the maintenance, protection and enhancement of the environment. This ordinance, therefore, does not have the potential to cause significant effects on the environment. Consequently, it is categorically exempt from further CEQA review under 14 California Code Regulations §§ 15301, 15305, and 15308.

It is recommended that the Planning Commission consider taking the following actions:

- (1) Reviewing the draft ordinance regulating boarding houses and updating other provisions of the Monterey Park Municipal Code ("MPMC") to reconcile such regulations;
- (2) Adopting a Resolution recommending approval to the Code Amendment to the City Council; and
- (3) Taking such additional, related, action that may be desirable.

[2.] NEW BUSINESS

[2-A. PRECISE PLAN AND CONDITIONAL USE PERMIT – 521-633 NORTH ATLANTIC BOULEVARD \(PP-14-02/CU-14-06\)](#)

The applicant, Ethan Capital, LLC, is requesting a Precise Plan to construct a new 6 stories, 288 rooms hotel and Conditional Use Permit (CU-14-06) to allow on-sale beer and wine in conjunction with retail eating establishment at 521-633 North Atlantic Boulevard.

As required by the California Environmental Quality Act (CEQA), the City prepared an Initial Study to determine what environmental impacts, if any, would be generated by the proposed project. Following the Initial Study, it was determined that although the proposed project could have a significant effect on the environment, there will not be significant effects in this case because revisions in the project have been made by or agreed to by the project proponent and a Mitigated Negative Declaration was prepared. Less than significant impacts with mitigations incorporated were identified in the areas of Air Quality, Cultural Resources, Hazardous Materials, Noise, and Transportation and Traffic. The mitigation measures relative to air quality, cultural resources, hazardous materials, and noise addresses actions that must be taken prior and during the construction process. Staff recommends that after consideration of the Initial Study and comments received during the public review period, that the Planning Commission adopt the Mitigated Negative Declaration.

It is recommended that the Planning Commission consider taking the following actions:

- (1) Opening the public hearing;

- (2) Receiving documentary and testimonial evidence;
- (3) Closing the public hearing;
- (4) Adopting the Resolution approving the requested Precise Plan (PP-13-01) and Conditional Use Permit (CU-14-06) subject to conditions of approval contained therein; and
- (5) Take such additional, related, action that may be desirable.

[3.] COMMISSION COMMUNICATIONS

[4.] FUTURE AGENDA ITEMS AS DIRECTED BY THE COMMISSION


[5.] STAFF UPDATES

[6.] CLOSED SESSION

ADJOURN

To the next regularly scheduled meeting on March 10, 2015

APPROVED BY:

MICHAEL A. HUNTLEY	
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Planning Commission Staff Report

DATE: February 24, 2015

AGENDA ITEM NO:

TO: The Planning Commission
FROM: Michael A. Huntley, Community and Economic Development Director
SUBJECT: Consideration of an ordinance amending the Monterey Park Municipal Code (MPMC) to clarify the number of rooms that may be leased in single family dwelling units; providing definitions of boarding houses; and updating the MPMC to better preserve residential neighborhoods and protect public health and safety.

RECOMMENDATION:

It is recommended that the Planning Commission consider:

- (1) Adopting a Resolution recommending that the City Council adopt a draft ordinance amending the MPMC regulations affecting boarding houses and other provisions protecting public health and safety; and
- (2) Taking such additional, related, action that may be desirable.

EXECUTIVE SUMMARY:

On January 27, 2015, the Planning Commission considered draft regulations needed to update the MPMC's regulation of boarding houses and other unpermitted group housing units. A copy of the staff report for that meeting is included for reference. During that meeting, the Planning Commission provided direction for further refinements of the draft ordinance. The draft ordinance provided to the Planning Commission at this time incorporates those comments.

BACKGROUND:

A complete overview of the proposed regulations, and the public policy reasons for them, is included in the attached January 27th staff report. Also provided is a redlined version of the ordinance which compares the text of the ordinance that was provided to the Planning Commission on January 27th, with the draft language for the Commission's meeting on February 24th.

ANALYSIS:

Existing Regulations. The City of Monterey Park currently has development standards and definitions in place to address the conversion of residential units into boarding houses. Unfortunately, those standards and definitions are not effective enough to address the current circumstance around the conversions of residential units in the community. MPMC amendments are desirable to bring the City's land use regulations into conformance with applicable federal and state laws.

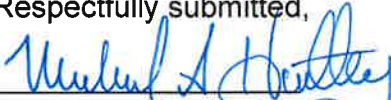
Chapter 21.08 (Residential Zones) of the MPMC prohibits boarding houses R-1 (Single-Family Residential) zones; they are permitted in the R-2 (Medium Density Residential) and R-3 (High Density Residential) zones with a conditional use permit.

If adopted, the draft ordinance would continue these prohibitions and restrictions. The changes effectuated by the ordinance would clarify the MPMC's definitions (and strengthen its enforcement authority) as to boarding houses and other, similar, types of uses.

Proposed Code Amendments. This ordinance is tailored to preserve the residential character of a neighborhood by prohibiting commercial enterprises such as boarding house businesses in the R-1 zone and clarifying regulations in the R-2 and R-3 residential zones. It is also intended to regulate aesthetics, traffic, parking, public peace, and other, similar, matters related to public health, safety, and welfare.

To ensure that the residential character is maintained throughout the community, a General Plan policy states that the City should pursue code enforcement efforts that simultaneously work to enhance the visual quality of residential neighborhoods and to ensure safe and decent housing for all City residents. The proposed code amendments will provide the City with additional tools for ensuring safe and decent housing and that boarding houses – as defined by the draft ordinance – are properly regulated.

Respectfully submitted,



Michael A. Huntley
Director of Community and Economic Development

Reviewed by:



Karl H. Berger
Assistant City Attorney

Attachments:

- | | |
|------------|------------------------------------|
| Exhibit A: | January 27, 2015 staff report |
| Exhibit B: | Draft resolution with ordinance |
| Exhibit C: | Pictures of Code Enforcement Cases |

EXHIBIT A

January 27, 2015 staff report



Planning Commission Staff Report

DATE: January 27, 2015

AGENDA ITEM NO: 2-B

TO: The Planning Commission

FROM: Michael A. Huntley, Community and Economic Development Director

SUBJECT: Regulations affecting the number of rooms that may be leased in single family dwelling units; providing definitions of boarding houses; and updating other parts of the Monterey Park Municipal Code to preserve residential neighborhoods and protect public health and safety.

RECOMMENDATION:

It is recommended that the Planning Commission consider:

- (1) Reviewing a draft ordinance regulating boarding houses and updating other provisions of the Monterey Park Municipal Code ("MPMC") to reconcile such regulations;
- (2) Providing comments and direction regarding the proposed ordinance;
- (3) Scheduling a public hearing for February 10, 2015 to consider a final draft of the proposed ordinance;
- (4) Taking such additional, related, action that may be desirable.

Background:

12/2/15

GO MPK

Report #	Type	Date	Revised Date	Assigned To	Description
1	Request for Boarding House	10/24/11		Request for Boarding House	
2	Request for Boarding House	10/24/11		Request for Boarding House	
3	Request for Boarding House	10/24/11		Request for Boarding House	
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Since the launch of the City's new mobile application "GO MPK" in 2013, the City is able to better respond to public concerns. Among these is an increase in complaints regarding commercial enterprises using residential dwelling units for boarding homes and residential motels. Since 2013, the City received more than 139 complaints of such activity. A review of code enforcement records show that the City sent 113 notices of violation and issued 35 citations since 2010; the City already sent a notice of violation in January 2015.

Residentially zoned areas within the City are intended to preserve neighborhood quality, character, and livability, and minimize adverse impacts to adjacent properties. Commercial use of dwelling units within these areas disrupts neighborhood characteristics by attracting transient tenants; adversely impacting on-street parking; and creating other secondary effects such as noise and increased vehicle traffic. All such impacts may be expected in higher use zones – that are planned and regulated for multi-person uses – but not in typically single family residential zones.



Tenant Overcrowding

Moreover, the tenants that utilize the types of lodgings within (typically) single family dwelling units may also be at risk because of overcrowding, fire hazards, and the close proximity of other tenants within buildings intended for single families (rather than multiple tenants). Owners of these buildings may make interior (or exterior) improvements without building permits in order to accommodate a greater number of tenants. It is not unusual for code enforcement officials to find partitions in large common rooms that were erected without building

permits. Such improvements may threaten the health and safety of occupants under various circumstances including, without limitation, earthquakes.

The draft ordinance is intended to regulate the types of commercial lodging enterprises that affect residential neighborhoods. Such lodging enterprises generally involve a dwelling unit where three or more rooms are rented individually or separately, to tenants under separate rental agreements. Alternatively, these are dwelling units where rooms are rented individually or separately, resulting in multiple, independent living units. Under both scenarios (and others) tenants do not share common access or financial responsibility for use of the dwelling unit as a whole.



Unsafe partitions

Overall, this type of lodging is more appropriately regulated through a conditional use permit ("CUP") issued by the City. Such oversight would help ensure that the secondary effects of a boarding house, e.g., increased parking, traffic, and noise, can be mitigated to the extent possible. Moreover, such enterprises should generally be overseen by a professional management company; something that the City can also help ensure through a CUP.

As may be seen, the draft ordinance defines a "boarding house" as

"a dwelling unit where three or more rooms are rented to individuals under separate rental agreements or leases, either written or oral or implied, whether or not an owner, agent, or rental manager is in residence. Meals may be provided to boarders in connection with the renting of rooms or common kitchen facilities may be provided."

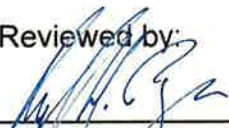
If a dwelling unit meets the definition of a boarding house, it is prohibited in an R-1 zone; it is permissible with a conditional use permit in R-2 and R-3 zones. Other provisions of the draft ordinance are intended to reconcile the remainder of the MPMC with this change.

If adopted, the ordinance would amend the MPMC to help ensure that residential neighborhoods are used in the manner intended and that boarding houses – as defined by the draft ordinance – are properly regulated.

Respectfully submitted,

Michael A. Huntley
Director of Community and Economic Development

Reviewed by:



Karl H. Berger
Assistant City Attorney

Attachments:

Exhibit A: Draft Ordinance

Exhibit B: GO MPK Complaints

EXHIBIT B

Draft Resolution with Draft Ordinance

RESOLUTION NO.
A RESOLUTION RECOMMENDING THAT CITY COUNCIL ADOPT AN
ORDINANCE AMENDING THE MONTEREY PARK MUNICIPAL CODE
("MPMC") REGULATING "BOARDING HOUSES."

The Planning Commission of the City of Monterey Park does resolve as follows:

SECTION 1: The Planning Commission finds and declares that:

- A. A review of the Monterey Park Municipal Code ("MPMC") suggests that amendments are needed to improve the City's regulations governing, among other things, boarding homes;
- B. On January 27, 2015, Community and Economic Development Department presented a draft ordinance to the Planning Commission for consideration. The Planning Commission provided direction for improving the ordinance. Thereafter, the ordinance was reviewed by the Community and Economic Development Department for, in part, consistency with the General Plan and conformity with the MPMC;
- C. The City reviewed the project's environmental impacts under the California Environmental Quality Act (California Public Resources Code §§ 21000, *et seq.*, "CEQA") and the regulations promulgated thereunder (14 California Code of Regulations §§ 15000, *et seq.*, the "CEQA Guidelines"), and the City's Environmental Guidelines;
- D. The Community and Economic Development Department completed its review and scheduled the public hearing regarding the application before the Planning Commission for February 24, 2015;
- E. On February 24, 2015, the Planning Commission held a public hearing to receive public testimony and other evidence regarding the proposed amendment, including, without limitation, information provided to the Planning Commission by City staff and public testimony; and
- F. This Resolution and its findings are made based upon the evidence presented to the Commission at its February 24, 2015, hearing including, without limitation, the staff report submitted by the Community and Economic Development Department.

SECTION 2: *Environmental Assessment.* Because of the facts set forth in Section 2, the proposed zone text amendment is exempt from further environmental review under the California Environmental Quality Act (Public Resources Code §§ 21000, *et seq.*, "CEQA") and CEQA Guidelines (14 California Code of Regulations §§ 15000, *et seq.*) because it establishes rules and procedures to permit operation of existing facilities;

consists only of minor revisions and clarifications to existing regulations and specification of procedures related thereto; and consists of actions taken to assure the maintenance, protection and enhancement of the environment. This ordinance, therefore, does not have the potential to cause significant effects on the environment. Consequently, it is categorically exempt from further CEQA review under 14 California Code Regulations §§ 15301, 15305, and 15308.

SECTION 3: General Plan Findings. As required under Government Code § 65860 the MPMC amendments proposed by the Ordinance are consistent with the Monterey Park General Plan as follows:

- A. The proposed amendment is consistent with the goals, policies, and objectives of the General Plan. It is a goal of the Land Use Element of the General Plan to maintain the quality and character of Monterey Park's residential neighborhoods. To ensure that the residential character is maintained, a General Plan policy is that the City should pursue code enforcement efforts that simultaneously work to enhance the visual quality of residential neighborhoods and to ensure safe and decent housing for all City residents. The proposed code amendments will provide the City with additional tools for ensuring safe and decent housing.

SECTION 4: Recommendations. The Planning Commission recommends that the City Council adopt the ordinance set forth in attached Exhibit "A," which is incorporated into this resolution by reference.

SECTION 5: Reliance On Record. Each and every one of the findings and determination in this Resolution are based on the competent and substantial evidence, both oral and written, contained in the entire record relating to the project. The findings and determinations constitute the independent findings and determinations of the Planning Commission in all respects and are fully and completely supported by substantial evidence in the record as a whole.

SECTION 6: Limitations. The Planning Commission's analysis and evaluation of the project is based on the best information currently available. It is inevitable that in evaluating a project that absolute and perfect knowledge of all possible aspects of the project will not exist. One of the major limitations on analysis of the project is the Planning Commission's lack of knowledge of future events. In all instances, best efforts have been made to form accurate assumptions. Somewhat related to this are the limitations on the city's ability to solve what are in effect regional, state, and national problems and issues. The City must work within the political framework within which it exists and with the limitations inherent in that framework.

SECTION 7: This Resolution will remain effective until superseded by a subsequent resolution.

SECTION 8: The Commission secretary is directed to mail a copy of this Resolution to any person requesting a copy.

SECTION 9: This Resolution may be appealed within nineteen (19) calendar days after its adoption. All appeals must be in writing and filed with the City Clerk within this time period. Failure to file a timely written appeal will constitute a waiver of any right of appeal.

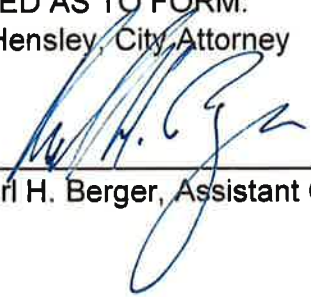
PASSED AND ADOPTED this 24th day of February 2015.

Rodrigo Garcia, Chairperson
City of Monterey Park Planning Commission

ATTEST:

Michael Huntley, Secretary

APPROVED AS TO FORM:
Mark D. Hensley, City Attorney

By: 

Karl H. Berger, Assistant City Attorney

ORDINANCE NO. _____

AN ORDINANCE AMENDING MONTEREY PARK MUNICIPAL CODE ("MPMC") § 21.04.147 REGULATING BOARDING HOUSES; ADDING § 21.04.037 DEFINING ADULT CARE FACILITY; AMENDING MPMC § 21.04.251; DELETING § 21.04.469 DEFINING HOME CARE; ADDING § 21.04.483 DEFINING SOBER LIVING FACILITY; AMENDING § 21.04.743 DEFINING RESIDENTIAL CARE FACILITY; ADDING § 21.04.799 DEFINING SINGLE FAMILY RESIDENCE; AMENDING § 21.04.812 DEFINING SOBER LIVING FACILITY; AMENDING § 21.08.030 REGULATING LAND USES IN R-1 ZONES; AMENDING § 21.08.040 REGARDING RENTING; AND AMENDING § 21.32.020 REGULATING RENTING OF BOARDING HOUSES.

The City Council of the City of Monterey Park does ordain as follows:

SECTION 1: Findings. The City Council finds and declares as follows:

- A. The City's ability to exercise its powers in accordance with Article XI, § 7 of the California Constitution to regulate land use is well-established. This ordinance is intended to regulate aesthetics, traffic, parking, public peace, and other, similar, matters related to public health, safety, and welfare.
- B. A review of the Monterey Park Municipal Code ("MPMC"), as defined by this Ordinance, demonstrates that amendments are needed to bring the City's land use regulations into conformance with applicable federal and state laws.
- C. Adopting this Ordinance is in the public interest because it is designed to protect public health and safety while also promoting public welfare.
- D. The City has in recent years experienced a great number of boarding houses that house temporary residents in residential housing, often in unsafe conditions.
- E. This ordinance is tailored to preserve the residential character of a neighborhood by prohibiting commercial enterprises such as boarding house businesses in the R-1 zone and clarifying regulations in the R-2 and R-3 residential zones while respecting the rights to privacy and association that the California Supreme Court recognized in *City of Santa Barbara v. Adamson* (1980) 27 Cal.3d 123 and related cases.
- F. This ordinance expressly exempts from the definition of a boarding house "households" defined by the permanency of relationships and other characteristics that bear the generic character of a family unit

and does not define “households” by familial, biological or legal relationships.

- G. Similar regulations that prohibit or regulate transient commercial uses of residential property have been upheld in cases such as *Ewing v. City of Carmel-By-The-Sea* (1991) 234 Cal.App.3d 1579 because such regulations are rationally related to preservation and enhancement of the residential character of the neighborhood and stability of the community.
- H. Short-term tenants that stay only for one night, a week, or even a few months in its residential area have little interest in public agencies or the welfare of its citizenry as they do not participate in local government and community organizations that strengthen a City and its residents.
- I. The proposed amendment is consistent with the goals, policies, and objectives of the General Plan. It is a goal of the Land Use Element of the General Plan to maintain the quality and character of Monterey Park’s residential neighborhoods. To ensure that the residential character is maintained, a General Plan policy is that the City should pursue code enforcement efforts that simultaneously work to enhance the visual quality of residential neighborhoods and to ensure safe and decent housing for all City residents. The proposed code amendments will provide the City with additional tools for ensuring safe and decent housing.
- J. This Ordinance promotes public health, safety, and general welfare and serves the goals and purposes of the MPMC.

SECTION 2: MPMC § 21.04.037 is added to read as follows:

“21.04.037 Adult care facility.

“Adult care facility” means any facility licensed by the State and/or County that provides nonmedical care to persons eighteen (18) years of age or older in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual on less than a twenty-four (24) hour basis.”

SECTION 3: MPMC § 21.04.147 is amended in its entirety to read as follows:

“21.04.147 Boarding House or Rooming House.

“Boarding house or rooming house” means a dwelling unit where three or more sleeping rooms are rented to individuals under separate rental

agreements or leases, either written or oral or implied, whether or not an owner, agent, or rental manager is in residence. Meals may be provided to boarders in connection with the renting of sleeping rooms or common kitchen facilities may be provided. This definition does not include household, residential care facility; group home; community care facility; emergency shelter; sober living facility; transitional housing; hotel, motel, single room occupancy or extended lodging facility as these terms are defined in this code."

SECTION 4: MPMC § 21.04.251 is amended in its entirety to read as follows:

"21.04.251 **Community Care Facility.**

"Community care facility" means a community care facility as that term is defined in Health & Safety Code §1502."

SECTION 5: MPMC § 21.04.469 is deleted in its entirety.

SECTION 6: MPMC § 21.04.483 is amended to read in its entirety as follows:

"21.04.483 **Household.**

"Household" means a single housekeeping unit where occupants of a dwelling unit have established social ties and familiarity with each other; jointly use common areas; interact with each other; share meals, household activities, expenses, and responsibilities. Additionally, membership within a household is stable instead of transient, and the residential activities of the household are conducted on a not for profit basis. Examples that a household is not operating as a household include, without limitation, the occupants do not share a lease agreement or ownership of the property, occupants stay less than 180 days, or occupants have separate, private entrances from other residents."

SECTION 7: MPMC § 21.04.743 is amended in its entirety to read as follows:

"21.04.743 **Residential Care Facility.**

"Residential care facility" means a residential facility as that term is defined in Health & Safety Code §1502."

SECTION 8: MPMC § 21.04.799 is amended to read in its entirety as follows:

"21.04.799 **Single-family residence.**

“Single-family residence” means an attached or detached building not to contain more than one kitchen where the occupants of the dwelling unit live and function together as a household.”

SECTION 9: A new § 21.04.812 is added to the MPMC to read as follows:

“21.04.812 Sober living facility.”

“Sober living facility” means a group home for persons who are recovering from drug and/or alcohol addiction and who are considered handicapped under state or federal law. Sober living homes do not include the following: (1) licensed community care facilities; (2) any sober living facility that operates as a household; or (3) any facility that provides the services set forth in 9 California Code of Regulations § 10501(a)(6). All occupants, other than the house manager, must actively participate in recognized recovery programs including, without limitation, Alcoholics Anonymous or Narcotics Anonymous, and the sober living facility must maintain current records of meeting attendance. The sober living facility’s rules and regulations must provide that refusal to actively participate in such a program is cause for eviction and prohibit the use of any alcohol or any non-prescription drugs at the sober living home. These rules and regulations must be posted on site in a common area inside the dwelling unit.”

SECTION 10: Table 21.08(A), set forth in MPMC § 21.08.030, is amended to read as follows:

“Table 21.08(A)
Permitted Uses in Residential Zones

Land Uses	R-1	R-2	R-3
Single-family dwelling unit	P	P	P
Multiple-dwelling units	X	P	P
Assembly hall	C	C	C
Boarding house	X	C	C
Child care center	X	C	C
Child day care, licensed for 14 or less children (see Chapter 21.04, Definitions)	L	L	L
Community center	X	C	C
Community care facility, licensed for 6 or fewer persons	P	P	P
Community care facility, licensed for 7 or more persons	X	C	C

Condominiums	X	P	P
Congregate care facility (multiple units on one property)	X	C	C
Educational institution:			
Public	P	P	P
Parochial	C	C	C
Private (excludes tutoring)	C	C	C
Accessory use to church	C	C	C
Fraternity/sorority house	X	C	C
Golf course	C	C	C
Government facility	P	P	P
Medical marijuana dispensaries	X	X	X
Mixed-use development	X	L	L
Mobile home	L	C	C
Fraternity/sorority house	X	C	C
Nursing and convalescent hospital	X	C	C
Open space	P	P	P
Parking for off-site uses	X	C	C
Plant nursery	C	C	C
Public park	C	C	C
Public utility facility	C	C	C
Rehabilitation facility licensed for 6 or fewer persons	X	L	L
Rehabilitation facility licensed for 7 or more persons	X	X	X
Senior housing (see Chapter 21.16, Senior Citizens Housing Zone)	X	C	C
Sober living facility for 6 or less	P	P	P
Sober living facility for 7 or persons	X	X	X
Supportive housing, licensed for 7 or more persons	X	X	C
Transitional housing, licensed for 7 or more persons	X	X	C

SECTION 11: MPMC § 21.08.040 is amended to add subsection (N) to read as follows:

“(N) Renting. Renting not more than three sleeping rooms per dwelling unit for occupancy is allowed within all residential zones subject to the following limitations:

1. Sleeping rooms cannot be rented for a period of less than 30 days.
2. Not more than two (2) persons are permitted to occupy one sleeping room.
3. Meals may be provided in connection with such renting, or the dwelling’s kitchen facilities may be shared with tenants.
4. These regulations do not apply to the following uses if otherwise permitted by this code: boarding houses, licensed community care facilities, rehabilitation facilities, licensed home care facilities, or sober living facilities, congregate care facilities, fraternity/sorority house, licensed home care facilities, senior housing facilities, supportive housing or transitional housing.”

SECTION 12: A new MPMC § 21.09.150 is added to read as follows:

“21.09.150 **Enforcement.**

(A) In addition to the remedies set forth in this code, violations of chapters 21.08 and 21.09 may be enforced as follows:

1. Prosecution as infractions or misdemeanors at the city attorney’s discretion.
2. Abated as a public nuisances.
3. As to unlawful boarding houses, enjoined as unfair business practices that are presumed to nominally damage each and every resident of the community.

(C) Any person acting for the interests of itself, its members, or the general public may bring an action for injunctive relief to prevent future violations or to recover actual damages.

(D) The remedies provided by this chapter are cumulative and in addition to any other criminal or civil remedies.”

SECTION 13: MPMC § 21.32.020 is amended to add subsections (C) and (D) to read as follows:

“(C) Additional Conditional Use Permit Requirements. Before the City grants a conditional use permit to a boarding house, the planning commission or city council must find:

1. Not more than four (4) sleeping rooms may be rented.
2. The boarding house contains no healthcare facilities similar to those found in a medical clinic.
3. Sleeping rooms cannot be rented for periods of less than 180 days.
4. Not more than two (2) persons are permitted to occupy one rental room.
5. The proposed room rental meets the requirements of all applicable law including, without limitation, building, fire and health regulation requirements.
6. One uncovered on-site parking space must be provided for each sleeping room.

(D) The requirements regarding a boarding house conditional permit do not apply to the following uses if otherwise permitted by a valid conditional use permit: congregate care facility (multiple units on one property); fraternity/sorority house; home care licensed for 7 or more persons; senior housing; supportive housing licensed for 7 or more persons; or transitional housing licensed for 7 or more persons.”

SECTION 14: *Environmental Review.* This ordinance is exempt from additional environmental review under the California Environmental Quality Act (California Public Resources Code §§ 21000, et seq., “CEQA”) and CEQA regulations (14 California Code of Regulations §§ 15000, et seq.) because it establishes rules and procedures to permit operation of existing facilities; consists only of minor revisions and clarifications to existing regulations and specification of procedures related thereto; and consists of actions taken to assure the maintenance, protection and enhancement of the environment. This ordinance, therefore, does not have the potential to cause significant effects on the environment. Consequently, it is categorically exempt from further CEQA review under 14 Cal. Code Regs. §§ 15301, 15305, and 15308.

SECTION 15: *Construction.* This Ordinance must be broadly construed in order to achieve the purposes stated in this Ordinance. It is the City Council's intent that the

provisions of this Ordinance be interpreted or implemented by the City and others in a manner that facilitates the purposes set forth in this Ordinance.

SECTION 16: *Enforceability.* Repeal of any provision of the MPMC does not affect any penalty, forfeiture, or liability incurred before, or preclude prosecution and imposition of penalties for any violation occurring before this Ordinance's effective date. Any such repealed part will remain in full force and effect for sustaining action or prosecuting violations occurring before the effective date of this Ordinance.

SECTION 17: *Validity of Previous Code Sections.* If this entire Ordinance or its application is deemed invalid by a court of competent jurisdiction, any repeal or amendment of the MPMC or other city ordinance by this Ordinance will be rendered void and cause such previous MPMC provision or other the city ordinance to remain in full force and effect for all purposes.

SECTION 18: *Severability.* If any part of this Ordinance or its application is deemed invalid by a court of competent jurisdiction, the City Council intends that such invalidity will not affect the effectiveness of the remaining provisions or applications and, to this end, the provisions of this Ordinance are severable.

SECTION 19: The City Clerk is directed to certify the passage and adoption of this Ordinance; cause it to be entered into the City of Monterey Park's book of original ordinances; make a note of the passage and adoption in the records of this meeting; and, within fifteen (15) days after the passage and adoption of this Ordinance, cause it to be published or posted in accordance with California law.

SECTION 20: This Ordinance will take effect on the 31st day following its final passage and adoption.

PASSED, APPROVED, AND ADOPTED this ____ day of February, 2015.

HANS LIANG,
Mayor

APPROVED AS TO FORM:
MARK D. HENSLEY, City Attorney

By: _____
Karl H. Berger, Assistant City Attorney

ATTEST:
VINCENT D. CHANG, City Clerk

By: _____

EXHIBIT C

Pictures of Code Enforcement Cases

Exhibit C

Illegal Board Housing Pictures



Interior conversion of single-family homes





Sleeping Areas





Boarding House Advertisement

Translation:

Nice quiet place, near market and park

We provide shared kitchen and parking spaces with others

Male and female and couple rooms are available

Also, transportation can be arranged to the airport, bus station, immigration office, etc.

We welcome you staying with us, good price for everyone



Planning Commission Staff Report

DATE: February 24, 2015

AGENDA ITEM NO: 2-A

TO: The Planning Commission
FROM: Michael A. Huntley, Community and Economic Development Director
SUBJECT: Public Hearing considering a Precise Plan (PP-14-02) to construct a new 6-story, 288-room Courtyard by Marriott hotel and Conditional Use Permit (CU-14-09) to allow general on-sale alcohol – 521-633 North Atlantic Boulevard.

RECOMMENDATION:

It is recommended that the Planning Commission consider:

- (1) Opening the public hearing;
- (2) Receiving documentary and testimonial evidence;
- (3) Closing the public hearing;
- (4) Adopting the attached Resolution approving Precise Plan (PP-14-02) and Conditional Use Permit (CU-14-09), subject to conditions contained therein; and
- (5) Taking such additional, related, action that may be desirable.

EXECUTIVE SUMMARY:

The applicant, Ethan Capital LLC, is requesting approval of a Precise Plan (PP-14-02) to construct a new 6-story, 288-room hotel and Conditional Use Permit (CUP-14-09) to allow general on-sale of alcohol in conjunction with the operation of the new hotel at 521-633 North Atlantic Boulevard.

An initial study of environmental impacts was prepared for the project. Based on the analysis, less than significant impacts have been identified subject to the addition of appropriate mitigation measures. As it relates to traffic and circulation, no significant impacts were identified even with the inclusion of the two additional hotels along the Atlantic Boulevard corridor.

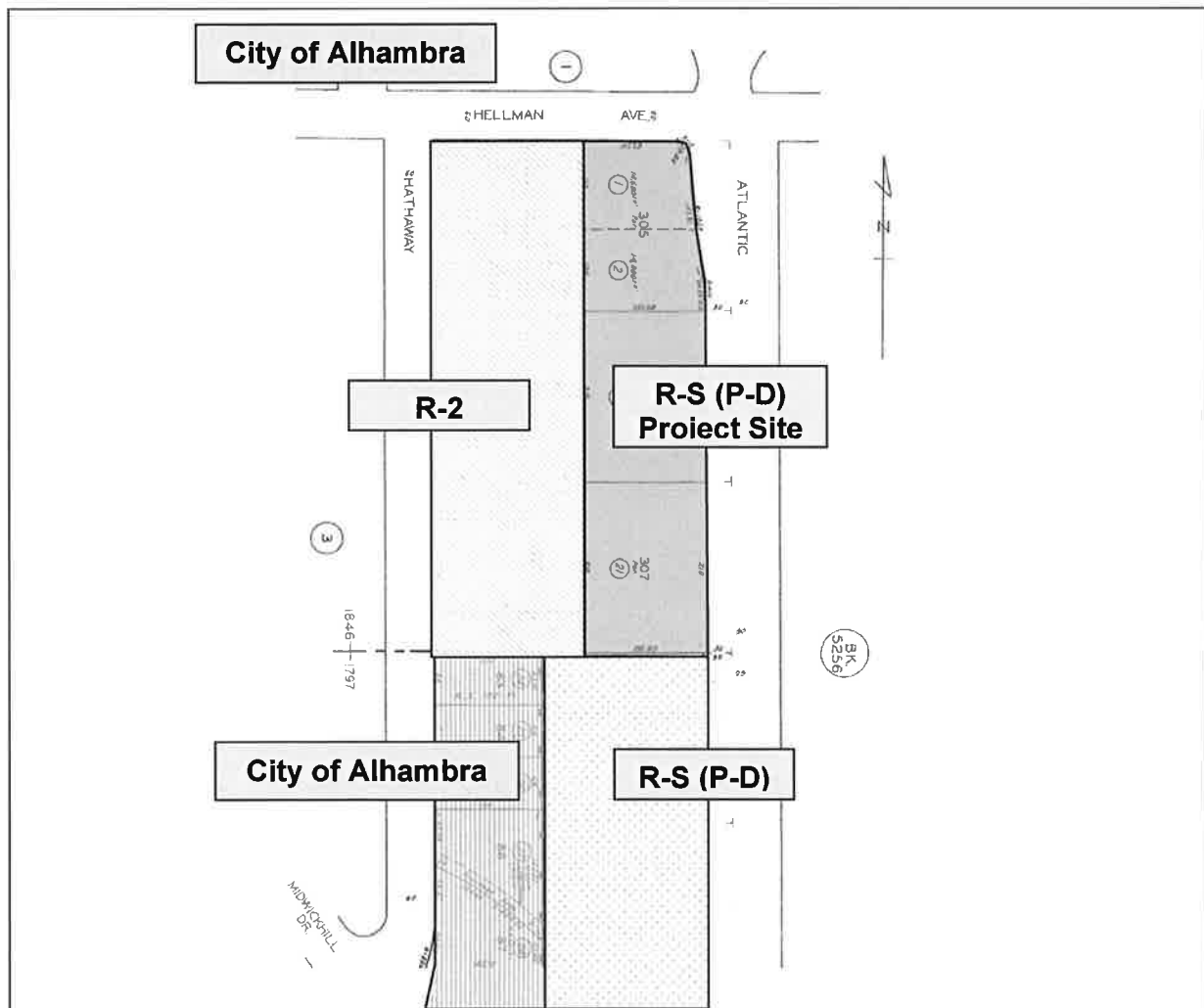
The project is consistent with the goals of the General Plan Land Use Element in that the intersection of North Atlantic Boulevard and Hellman Avenue is identified as one of the major gateways into the City and the Mixed-Use I land use encourages higher intensity development and establishes the North Atlantic area as a focal point for diverse retail, entertainment, and hospitality development.

Property Description

The subject property is located on the southwest corner of West Hellman Avenue and North Atlantic Boulevard. The property is zoned R-S, P-D (Regional Specialty, Planned Development) and the General Plan land use designation is Mixed-Use I (MU-I). The project site is comprised of four parcels totaling 93,218 square feet (2.14 acres) in size. The lot at the corner of the Hellman Avenue and Atlantic Boulevard is currently vacant, south of the vacant lot is a one-story auto repair building, followed by a vacant one-story commercial building that was previously occupied by a bank, and a one-story car wash.

North of the subject property are West Hellman Avenue, the Interstate 10 Freeway, and the City of Alhambra, south is a two-story, multi-tenant commercial building (Shun Fat Supermarket), east are North Atlantic Boulevard and the Atlantic Times Square development, and west are R-2 (Medium Density Residential) zoned lots.

Surrounding Properties



Project Description

The proposed project will be a 6 story, 210,390 square foot hotel. The proposed floor area ratio will be 2.25, which is allowed by the Planned Development Overlay Zone per Monterey Park Municipal Code (MPMC) § 21.14.110. The ground floor of the project includes a one level of lobby area with a lounge and 6,200 square feet retail space, and five levels of hotel rooms above two levels of subterranean parking. The project includes 288 hotel rooms and 365 parking spaces.

Precise Plan

The P-D Overlay District is intended to provide design flexibility in achieving the purpose and intent of other base zoning districts with which it is combined per MPMC § 21.14.020. Application of the P-D Overlay District is intended to assist in achieving consistency with the policy and intent of the General Plan by allowing flexibility in site design where superior quality attainment can be enhanced by such flexibility. According to MPMC § 21.14.150, a Precise Plan requires a public hearing before the Planning Commission can consider making the findings to approve it.

Planned Development (P-D) Overlay Zone Consistency

The proposed project and Precise Plan are appropriate for the subject property because the project fulfills the objectives of the General Plan and is designed according to the regulations required by the P-D Overlay Zone. The project site is 2.14 acres and is adequate in size for the proposed project. The project will have a quality design, architecture, and site amenities. To help ensure its compatibility with surrounding land use, the building will be articulated and setback so it will not overwhelm adjacent properties and the public right-of-way. Specifically, the building will be setback 47 feet from the west property line. Additionally, a 6 foot tall decorative block wall will be constructed along the west property line and 15 foot tall trees will be planted along the west property line. Furthermore, decorative metal window sunshades have been designed into the west building elevation to limit the sight-lines of the hotel rooms onto the adjacent residential properties to the west.

Pedestrian Realm

The project will provide a 19 foot to 34 foot wide pedestrian realm along North Atlantic Boulevard, per MPMC § 21.14.090(C). The pedestrian realm includes private and public property (i.e., parkway, sidewalk, and landscaped areas). The purpose of the pedestrian realm is to create a pedestrian-friendly environment by providing amenities like landscaping, street furniture, and signage. A 3 foot wide dedication will be provided on Atlantic Boulevard in front of the project site to allow for the creation of a new third southbound lane and construction of new sidewalks, curbs, and gutters.

Amenities

According to MPMC § 21.14.110, as an incentive to include additional amenities needed in the area, additional floor area ratio for mixed-use developments and commercial developments with pedestrian amenities may be permitted at intensities up to 2.25 upon a project providing substantial benefits for not only the project, but also to the surrounding community. The project provides substantial additional benefits. First, the project will provide 10 percent of additional parking spaces for public use which is in excess of those required for the uses on the site: 58 surplus parking spaces. Second, the project will provide an outdoor patio area to serve as public gathering place. Third, the project will provide a major portion of the required parking underground. Lastly, substantial public right-of-way improvements for purposes of promoting pedestrian activity adjacent to and beyond the project boundary will be made.

Architecture

The building will be compatible with developments in the general area. The project is designed according to the standards required by the P-D Overlay Zone. The building mass will be articulated with architectural elements, such as a porte-cochere, wall offsets, and recessed windows and entries. The proposed architectural style of the building will be modern. This project was presented to the Design Review Board for preliminary comments on November 4, 2014. The Board generally supported the proposed building design.

General Plan Consistency

The proposed building and its use complies with the General Plan. The subject property is designated Mixed-Use I (MU-I) in the General Plan.

Goal 3.0 General Plan Land Use Element

...Establish the North Atlantic area as a focal point for diverse retail, entertainment, and hospitality development.

Policy 3.1 states to allow higher intensity development around and south of the Atlantic Boulevard/Hellman Avenue intersection. The proposed project will be a hospitality development with a retail use. The project as proposed is consistent with the General Plan's vision for the North Atlantic area anticipating development at the height and floor area ratio proposed for the project.

City Gateway

Also, according to the General Plan Land Use Element, the intersection of Hellman Avenue and Atlantic Boulevard is identified as one of the gateways into Monterey Park. The City has the opportunity to improve its overall image by capitalizing on the quality of its best parts, improving its public rights-of-way, and enhancing development standards for new construction and redevelopment.

Goal 2.0 General Plan Economic Development Element

...Attract new business to the commercial Focus Areas indentified in the Land Use Element.

The City's economic development goals and policies respond to the challenges of fiscal viability, limited land area for development, and high land costs. In the short term, the City has generalized areas of focus for its development efforts. One of the development efforts is to build retail credibility and national credit tenant status in the North Atlantic Boulevard Focus Area and another is to strengthen the hospitality uses in the Focus Area. Policy 2.2 states to concentrate investment in sectors where growth is forecast in short- to mid-term and focus efforts on retail and hospitality uses. As previously stated, the proposed project will be a hospitality development with a retail use. The project is consistent with the General Plan's economic developments efforts to build on the economic opportunities in the Focus Areas.

Parking

The total required number of parking spaces for the project is 307; the project will provide 365 spaces, which is 58 spaces more than the required number of parking spaces.

The required number of parking spaces for hotel rooms is 1 space per room, which equates to 288 spaces. The project also includes a 6,200 square feet retail space on the first floor. According to MPMC § 21.21.14.090(E), a the Planning Commission may approve a reduced number of parking spaces for mixed-use developments and commercial developments. However, the total parking requirement for retail, restaurants, entertainment and neighborhood service uses combined cannot be less than 3 spaces per 1,000 square feet of gross floor area. Based on a parking ratio of 3 spaces per 1,000 square feet, 19 spaces will be required for the proposed retail space. In total, 307 parking spaces are required for the hotel and retail space combined and 365 spaces will be provided. Although not required by the MPMC, a bus pick-up and drop-off area will be provided on the west side of the building behind the hotel.

Traffic Study

A Traffic Study was prepared as part of the environmental assessment for the proposed project. The Traffic Study studied the intersections and on-site and off-site circulation. The trip generation and parking demand of the project was calculated using the nationally accepted rates defined by the Institute of Transportation Engineers (ITE). Additionally, the City has established specific thresholds for project-related increases in the Intersection Capacity Utilization (ICU) values of signalized study intersections. As part of the traffic analysis, the cumulative impacts were evaluated which included all three of the hotel projects along Atlantic Boulevard. According Traffic Study, based on the ITE rates and City's traffic criteria, the proposed project will not create significant traffic impacts at the study intersections. Moreover, the proposed project is not anticipated to generate a demand on tour buses.

City Improvements

The City reviewed the traffic and signal operations at the Atlantic Boulevard and Hellman Avenue intersection and planned the following improvements that will be constructed in 2015:

- Install new traffic signal hardware to provide for protected-permissive left-turn signal phasing for the eastbound approach on Hellman Avenue at Atlantic Boulevard.
- Re-stripe the westbound approach on Hellman Avenue at Atlantic Boulevard to provide one left-turn lane, one through lane, and one right-turn lane.
- In addition to the above improvements, the City commissioned a corridor study to evaluate the existing conditions on Atlantic Boulevard from Newmark Avenue to Hellman Avenue. Based on the study, the City will be making changes to the timing and signalization along Atlantic Boulevard to improve vehicle and pedestrian movements.

Project Improvements

The proposed access for the project site that were developed with the City are as follows:

- The Hellman Avenue project driveway will provide egress movements. Ingress movements will be prohibited. The driveway on Hellman Avenue will be an exit only driveway. The driveway will allow for right-turns out of the property only. Left turns onto Hellman Avenue will be prohibited to prevent vehicles from blocking eastbound traffic. Also, left-turns onto the property by westbound vehicles are prohibited to prevent vehicles from block westbound traffic to enter the property.
- The Atlantic Boulevard north project driveway will provide left-turn and right-turn ingress movements and right-turn egress movements. The north driveway will allow vehicles going southbound to make a right-turn onto the property and vehicles going northbound to make a left-turn onto the property. Since the Hellman Avenue driveway will be an exit only driveway, northbound vehicles will enter the property by making a left-turn on Atlantic Boulevard. The existing striping on Atlantic Boulevard currently allows for this same left-turn onto the vacant lot that was previously constructed with an auto repair building. Therefore, this will not be a significant change on Atlantic Boulevard.
- The Atlantic Boulevard south project driveway will provide left-turn and right-turn ingress and egress movements. The south driveway will allow vehicles to make right- and left-turns onto Atlantic Boulevard. This driveway will allow vehicles the ability to go northbound to access the Interstate 10 Freeway.

- A 3 feet wide dedication will be made on Atlantic Boulevard to allow for a third southbound lane in front of the project. This new third lane will provide vehicles an additional lane to get onto and exit the property without blocking southbound traffic.

Public Outreach

The applicant hosted two community outreach workshops on November 12, 2014 and December 10, 2014 at the Langley Center. The applicant mailed written notification to the properties within a 500 feet radius of the project site for both outreach workshops. At the first workshop, the developer presented the project to the public and received comments. There were over 120 people in attendance at the meeting. The comments provided by the public were focused on parking, traffic, utilities, privacy, noise, the neighborhood, and cumulative impacts. As a result of the workshop, the applicant conducted further analysis of the project and made some design improvements to the project. At the second outreach workshop, the applicant presented the additional analysis and design modifications and received comments. There were approximately 40 people in attendance at the meeting.

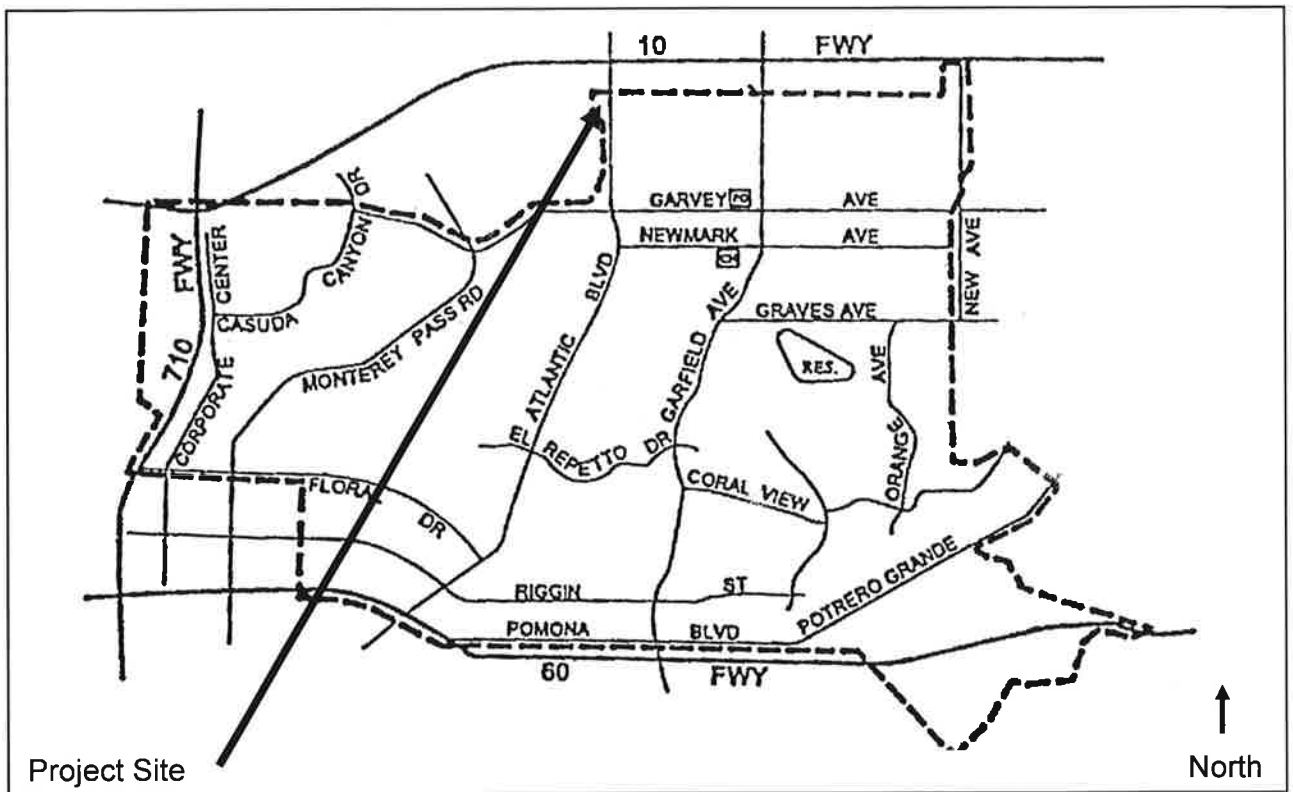
Legal Notification

The legal notice of this hearing was published in the Monterey Park Progress on **February 5, 2015** and posted at City Hall, Monterey Park Bruggemeyer Library, and Langley Center on **January 26, 2015**, with affidavits on file. The legal notice of this hearing was mailed to **186** property owners within a 500 feet radius **January 26, 2015**. Government Code § 65091 requires a minimum 300 foot notification radius; to ensure sufficient public notice, the City exceeded this minimum requirement. The Initial Study/Mitigated Negative Declaration was circulated for public review from **January 26, 2015 to February 24, 2015**.

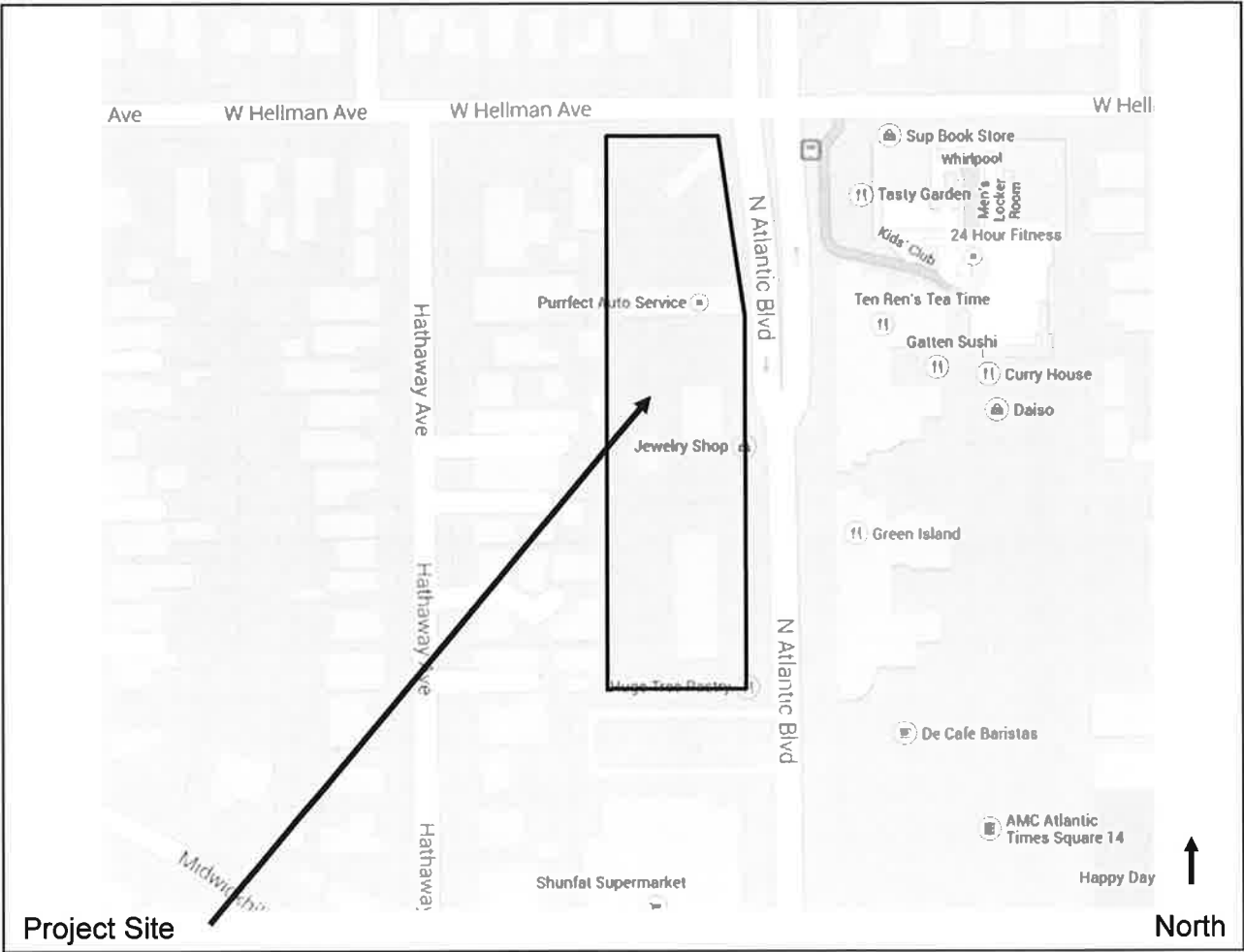
Environmental Assessment

As required by the California Environmental Quality Act (CEQA), the City prepared an Initial Study to determine what environmental impacts, if any, would be generated by the proposed project. The Initial Study determined that although the proposed project could have a significant effect on the environment, there will not be significant effects in this case because revisions in the project have been made by or agreed to by the project proponent and a Mitigated Negative Declaration was prepared. Less than significant impacts with mitigations incorporated were identified in the areas of Aesthetics, Air Quality, Cultural Resources, Hazardous Materials, Hydrology and Water Quality, Noise, Transportation and Traffic, and Public Services. The mitigation measures relative to air quality, cultural resources, hazardous materials, and noise addresses actions that must be taken prior and during the construction process. Staff recommends that after consideration of the Initial Study and comments received during the public review period, that the Planning Commission adopt the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program.

Vicinity Map



Street Map



Aerial Map



ALTERNATIVE COMMISSION CONSIDERATIONS:


None.

FISCAL IMPACT:

The transit occupancy tax that will be generated by the hotel is 12 percent of the taxable rent. The business licensing fees that will be generated from the restaurant are based on the number of seats and whether on-sale alcoholic beverages will be provided. The

business licensing fee for a restaurant that has over 20 seats is \$5 per seat, plus a \$75 base fee and a \$1 state fee. The business licensing fee for a restaurant that has over 20 seats and provides on-sale alcoholic beverages is \$7 per seat, plus a \$75 base fee and a \$1 state fee. Sales tax will also be assessed for sales originating at the project site.

Respectfully submitted,



Michael A. Huntley
Community and Economic
Development Director

Prepared by:



Samantha Tewasart
Senior Planner

Reviewed by:



Karl H. Berger
Assistant City Attorney

Attachments:

- Exhibit A: Draft Resolution
- Exhibit B: Site, floor, and elevation plans
- Exhibit C: Precise Plan
- Exhibit D: Initial Study and Mitigated Negative Declaration

EXHIBIT A

Draft Resolution

RESOLUTION NO.

A RESOLUTION ADOPTING A MITIGATED NEGATIVE DECLARATION, APPROVING A PRECISE PLAN (PP-14-02) FOR CONSTRUCTING A NEW HOTEL DEVELOPMENT AND A CONDITIONAL USE PERMIT (CUP-14-09) TO ALLOW GENERAL ON-SALE LICENSE OF ALCOHOL IN CONJUNCTION WITH A NEW HOTEL AT 521-633 NORTH ATLANTIC BOULEVARD.

The Planning Commission of the City of Monterey Park does resolve as follows:

SECTION 1: The Planning Commission finds and declares that:

- A. On September 18, 2014, Ethan Capital LLC, submitted an application pursuant to Title 21 of the Monterey Park Municipal Code ("MPMC"), requesting approval of a Precise Plan (PP-14-02) to construct a new hotel development and Conditional Use Permit (CUP-14-09) for the general on-sale license of alcohol in conjunction with the hotel at 521-633 North Atlantic Boulevard ("Project");
- B. The proposed Project was reviewed by the Community and Economic Development Department for, in part, consistency with the General Plan and conformity with the MPMC;
- C. In addition, the City reviewed the Project's environmental impacts under the California Environmental Quality Act (Public Resources Code §§ 21000, *et seq.*, "CEQA") and the regulations promulgated thereunder (14 California Code of Regulations §§ 15000, *et seq.*, the "CEQA Guidelines");
- D. The Community and Economic Development Department completed its review and scheduled a public hearing regarding the proposed Project, before the Planning Commission for February 24, 2015. Notice of the public hearing on the proposed Project was posted and mailed as required by the MPMC;
- E. On February 24, 2015, the Planning Commission held a public hearing to receive public testimony and other evidence regarding the proposed Project, including, without limitation, information provided to the Planning Commission by City staff and public testimony, and the applicant's representatives; and
- F. This Resolution and its findings are made based upon the testimony and evidence presented to the Commission at its February 24, 2015 hearing including, without limitation, the staff report submitted by the Community and Economic Development Department.

SECTION 2: *Factual Findings and Conclusions.* The Planning Commission finds that the following facts exist and makes the following conclusions:

- A. The applicant seeks approval to construct a new 6 story, 210,390 square foot hotel development and to serve general on-sale license of alcohol in conjunction with the hotel development. The ground floor of the project will include a lobby

**PLANNING COMMISSION
RESOLUTION NO.
PAGE 2 OF 8**

area with a lounge and a 6,200 square feet retail space, five levels of hotel rooms above and two levels of subterranean parking. The project includes 288 hotel rooms and 365 parking spaces;

- B. 521-633 North Atlantic Boulevard is zoned R-S, P-D (Regional Specialty Center, Planned Development) and the General Plan designation is Mixed-Use I (MU-I);
- C. The subject property is located on the southwest corner of West Hellman Avenue and North Atlantic Boulevard. The property is zoned R-S, P-D (Regional Specialty, Planned Development) and the General Plan land use designation is Mixed-Use I (MU-I). The project site is comprised of four parcels totaling 93,218 square feet (2.14 acres) in size. The lot at the corner of the Hellman Avenue and Atlantic Boulevard is currently vacant, south of the vacant lot is a one-story auto repair building, followed by a vacant one-story commercial building that was previously occupied by a bank, and a one-story car wash. North of the subject property are West Hellman Avenue, the Interstate 10 Freeway, and the City of Alhambra, south is a two-story, multi-tenant commercial building (Shun Fat Supermarket), east are North Atlantic Boulevard and the Atlantic Times Square development, and west are R-2 (Medium Density Residential) zoned lots;
- D. The project site is comprised of four parcels totaling 93,218 square feet (2.14 acres) in size. The lot at the corner of the Hellman Avenue and Atlantic Boulevard is currently vacant, south of the vacant lot is a one-story auto repair building, followed by a vacant one-story commercial building that was previously occupied by a bank, and a one-story car wash; and
- E. The site is accessible from North Atlantic Boulevard a principal arterial street. Adequate parking is provided within the 2-levels of subterranean parking on the property. The required number of parking spaces for a hotel is 1 per room and 3 spaces per 1,000 square feet of gross floor area for commercial retail, 19 spaces will be required for the proposed commercial use. In total, 307 parking spaces will be required for the hotel and retail space combined and 365 spaces will be provided.

SECTION 3: Environmental Assessment.

- A. The Project was analyzed for its environmental impacts and an Initial Study was prepared by the Community and Economic Development Department pursuant to the guidelines of the California Environmental Quality Act (CEQA) Guidelines § 15063. The Initial Study demonstrated that the project would not have a significant effect on the environment with inclusion of certain mitigation measures which lessened potential adverse impacts to a level of less than significant. A Mitigated Negative Declaration of Environmental Impacts is proposed for this project pursuant to CEQA Guidelines §15070 (the "MND").

**PLANNING COMMISSION
RESOLUTION NO.
PAGE 3 OF 8**

The MND is attached as Exhibit "A," and incorporated by this reference. A Notice of Intent to Adopt a Negative Declaration was prepared pursuant to CEQA Guidelines §§ 15072 and 15073, and was available for public comment from January 26, 2015 to February 24, 2015.

- B. In accordance with CEQA Guidelines § 15074, the record on which the Planning Commission's findings are based is located at the City of Monterey Park Community and Economic Development Department – Planning Division at City Hall, 320 West Newmark Avenue, Monterey Park, California 91754.
- C. When considering the whole record for the draft Initial Study and Negative Declaration, there is no evidence that the Project will have the potential for an adverse effect on wildlife resources or the habitat on which the wildlife depends, because the project is in a built-out urban environment.
- D. These findings are based on the various mitigation measures to be required in the implementation of the project as set forth in the MND as already having been incorporated into the Project. The Planning Commission finds that all the mitigation measures now incorporated into the project are desirable and feasible.
- E. Accordingly, based upon the evidence presented to the Planning Commission, the City need not prepare an environmental impact report for the proposed project.

SECTION 4: *Precise Plan Findings.* The Commission finds as follows pursuant to Government Code § 65451 and MPMC Title 21:

- A. The plan for the proposed project consists of buildings and structures that are of good design and in general contributes to the image of Monterey Park as a place of creativity and individuality.

The architectural style of the proposed project will be modern and the finishes will be high quality. The building finishes include smooth white stucco with earth-tone tan accents, aluminum cladding, clear glazing one-inch insulated glass, and taupe mullions. The proposed building design provides a more vibrant and modern feel to the project area. The Atlantic Time Square development was constructed in 2006 to the east and the Shun Fat Supermarket was constructed in the 1980s and reflect the architectural style of that time period. The intent of the proposed modern architectural style is to create a timeless looking building by providing a sense of a pedestrian scale.

- B. The proposed buildings or structures are not of inferior quality such as to cause the nature of the local environment to materially depreciate in appearance and value.

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The proposed project will include high quality materials. Also, the project will provide new street trees along North Atlantic Boulevard as well as throughout the project in raised planters. Pursuant to MPMC § 21.14.090(C), a 12 feet wide pedestrian realm is required on Atlantic Boulevard. The project will provide a 19 feet to 34 feet wide pedestrian realm along North Atlantic Boulevard. The Project will provide generous landscaping, which includes special pavements, planters, bike racks and site furniture, which will be consistent with the requirements of the Planned Development Overlay Zone.

- C. The proposed buildings or structures and use thereof are compatible with developments of land in the general area. Consideration of scale, height, bulk, materials cohesiveness, community, traffic, the desirability of preserving a sense of open space, and the need for privacy are deemed to be important considerations of compatibility.

The building will be compatible with developments in the general area. The project is designed according to the standards required by the P-D Overlay Zone. According to MPMC § 21.14.090(B), hotel developments are permitted provided a minimum 4,000 square feet of the ground floor area is utilized as retail and/or restaurant to serve the pedestrian realm. The building mass will be articulated with architectural elements, such as a porte-cochere, wall off-sets, recessed windows and entries.

- D. The proposed development is in conformity with the standards of this chapter and other applicable ordinances insofar as the location and appearance of the buildings and structures are involved.

The proposed development is in conformity with the standards of the P-D Overlay Zone chapter and other regulations. As stated above, the proposed project is designed according to the standards included in the P-D Overlay Zone chapter.

- E. The proposed buildings or structures and its use would not unreasonably interfere with the use or enjoyment of property in the vicinity by the occupants thereof of lawful purposes, and would not adversely affect the public peace, health, safety or general welfare.

The proposed building and its use will not unreasonably interfere with the use or enjoyment of properties in the vicinity. First, the proposed project is designed according to the regulations in the P-D Overlay Zone chapter. Second, both the P-D Overlay Zone and proposed project considers the properties abutting the subject property. The project abuts R-2 (Medium Density Residential) zoned properties to the west. The building will be setback approximately 41 feet from the western property line. Also, the commercial unit will be located towards the front adjacent to Atlantic Boulevard.

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- F. The proposed buildings or structures and their use are in compliance with the General Plan.

The proposed building and its use are in compliance with the General Plan. The subject property is designated Mixed-Use I (MU-I) in the General Plan. One of the goals of the General Plan (Goal 3.0) is to establish the North Atlantic area as a focal point for diverse retail, entertainment, and hospitality development. The proposed project will be a hospitality development with diverse retail uses. The project is a hotel development, which includes 288 hotel rooms. There will be one commercial space with five-levels of hotel rooms.

SECTION 5: Conditional Use Permit Findings. Pursuant to MPMC §§ 21.10.230 (B) and 21.32.020, the Planning Commission finds as follows:

- A. That the proposed use complies with all requirements as set forth for the issuance of a conditional use permit.

The proposed use complies with all requirements for a conditional use permit. First, the site is adequate in size, shape and topography for the proposed use because the proposed use is the addition of a general on-sale of alcohol beverages and compact parking in conjunction with the construction of a new hotel development. Second, the site has sufficient access to streets and highways, adequate in width and pavement type to carry the quantity and quality of traffic generated by the proposed use. Third, the proposed use is consistent with the General Plan and conforms to objectives of the General Plan and the MPMC zoning regulations. The subject property is designated MU-I (Mixed-Use I) in the General Plan. The Mixed-Use I land use category provides opportunities for a broad range of retail and service commercial and professional office uses intended to meet the needs of Monterey Park residents and businesses, as well as, regional shopping demand. The proposed use is the addition of general on-sale of alcohol beverages. On-sale alcoholic beverage sales is permitted in the R-S, P-D (Regional Specialty Center, Planned Development) Zone with Conditional Use Permit approval.

- B. That the proposed use will not present problems, including, but not limited to, loitering, obstruction of pedestrian traffic, vehicular traffic, parking, crime interference with children on their way to school, interference with shoppers using streets, defacement and damage to structures.

The proposed general on-sale of alcohol will not present problems such as loitering, because the on-sale will be provided as service to patrons of the hotel. The proposed use is not a bar or club, which are more likely to have loitering issues. The proposed use will not obstruct pedestrian traffic because the on-sale will occur inside the hotel at a designated area that will not be a pedestrian thoroughfare. The use will not obstruct vehicular traffic or parking because the

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use will be ancillary to a hotel use. Lastly, the use will not interfere with shoppers using streets or result in the defacement and damage to structures because the use is on-sale and completely contained within the hotel.

- C. That the proposed use will not lessen the suitability of any nearby commercially-zoned properties for commercial use.

The subject property is zoned R-S, P-D (Regional Specialty Center, Planned Development). A hotel development is a permitted subject to approval of a precise plan and on-site sales of alcohol beverages require a conditional use permit and is allowed for combined consideration with the precise plan in the R-S, P-D Zone. Surrounding properties include R-S, P-D zoned lots to the south and east, R-2 zoned lots to the west, and the City of Alhambra to the north. The properties to the south and east are permitted to have hotel uses and to apply for a conditional use permit for general on-sale alcohol in conjunction with a hotel. The suitability of any nearby commercial-zoned properties for commercial use will remain the same.

- D. The use does not adversely affect the welfare of area residents or result in undue concentration in the neighborhood of establishments dispensing alcoholic beverages.

The applicant's request to add general on-sale alcohol beverages (Type 47) for on-site consumption in conjunction with the hotel development will enhance the proposed hotel development and will not adversely affect the welfare of area residents since the addition of general on-sale of alcohol beverages, as mentioned, will be incidental to the primary use. According to the guidelines established by the California Department of Alcoholic Beverage Control (ABC), a total of 2 on-sale licenses are allowed before the census tract reaches the threshold of being defined as having undue concentration in the subject Census Tract No. 4817.14. Based on a population of 1,061 in the census tract, ABC allows 2 on-sale licenses in the tract and currently licenses 15 establishments. New licenses that exceed the threshold are permissible with the adoption of a finding of Public Convenience and Necessity (PCN) which is determined by the Department of ABC.

According to MPMC § 21.10.230(G), there are no distance requirements for on-sale alcoholic beverages when sold in conjunction with a hotel. However, on-sale uses must comply with the list of requirements specified in the MPMC § 21.10.230(C). Some of the requirements include limiting the exterior lighting of the parking area to intensities between one and two foot-candles so as to provide adequate lighting for patrons while not disturbing surrounding residential or commercial areas and special security measures, such as security guards and alarm systems. The Police Department has included conditions numbers 108 through 117 in the Resolution to address security and alarm requirements.

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SECTION 6: Actions. The Planning Commission takes the following actions:

- A. Adopts the MND set forth in Exhibit A and directs the Director of Community and Economic Development, or designee, to file any appropriate notifications in accordance with applicable law;
- B. Pursuant to Public Resources Code §§ 21081(a) and 21081.6, the Planning Commission adopts the Mitigation Monitoring and Reporting Program (MMRP) set forth in the attached Exhibit "B," which is incorporated into this Resolution by reference. The Planning Commission adopts each of the mitigation measures as conditions of approval for the Project. Other Project conditions of approval and compliance with applicable codes, policies, and regulations will further ensure that the environmental impacts of the Project will not be greater than set forth in the MND and these findings;
- C. Approves Precise Plan (PP-14-02) and Conditional Use Permit (CUP-14-09) attached as Exhibit "C" in its entirety including, without limitation, the conditions of approval set forth in the attached Exhibit "D." All exhibits are incorporated by reference; and
- D. Authorizes the City Manager, or designee, to make non-substantive changes to the Precise Plan, as determined and approved by the City Attorney.

SECTION 7: Reliance on Record. Each and every one of the findings and determinations in this Resolution are based on the competent and substantial evidence, both oral and written, contained in the entire record relating to the Project. The findings and determinations constitute the independent findings and determinations of the Planning Commission in all respects and are fully and completely supported by substantial evidence in the record as a whole.

SECTION 8: Limitations. The Planning Commission's analysis and evaluation of the project is based on the best information currently available. It is inevitable that in evaluating a project that absolute and perfect knowledge of all possible aspects of the project will not exist. One of the major limitations on analysis of the project is the Planning Commission's lack of knowledge of future events. In all instances, best efforts have been made to form accurate assumptions. Somewhat related to this are the limitations on the City's ability to solve what are in effect regional, state, and national problems and issues. The City must work within the political framework within which it exists and with the limitations inherent in that framework.

SECTION 9: Summaries of Information. All summaries of information in the findings, which precede this section, are based on the substantial evidence in the record. The absence of any particular fact from any such summary is not an indication that a particular finding is not based in part on that fact.

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SECTION 10: This Resolution will become effective immediately upon adoption and remain effective unless superseded by a subsequent resolution.

SECTION 11: A copy of this Resolution will be mailed to the applicant and to any other person requesting a copy.

SECTION 12: This Resolution may be appealed within nineteen (19) calendar days after its adoption. All appeals must be in writing and filed with the City Clerk within this time period. Failure to file a timely written appeal will constitute a waiver of any right of appeal.

ADOPTED AND APPROVED this 24th day of February 2015.

Chairperson Rodrigo Garcia

I hereby certify that the foregoing Resolution was duly adopted by the Planning Commission of the City of Monterey Park at the regular meeting held on the 24th day of February 2015, by the following vote of the Planning Commission:

AYES:
NOES:
ABSTAIN:
ABSENT:

Michael A. Huntley, Secretary

APPROVED AS TO FORM:
Mark D. Hensley, City Attorney

By:



Karl H. Berger,
Assistant City Attorney

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Exhibit D

CONDITIONS OF APPROVAL

521-633 NORTH ATLANTIC BOULEVARD

In addition to all applicable provisions of the Monterey Park Municipal Code ("MPMC"), Ethan Capital, LLC agrees that it will comply with the following provisions as conditions for the City of Monterey Park's approval of Precise Plan (PP-14-02) and Conditional Use Permit (CU-14-06) ("Project Conditions").

PLANNING:

1. Ethan Capital, LLC (the "Applicant") agrees to indemnify and hold the City harmless from and against any claim, action, damages, costs (including, without limitation, attorney's fees), injuries, or liability, arising from the City's approval of PP-14-02 and CU-14-06 except for such loss or damage arising from the City's sole negligence or willful misconduct. Should the City be named in any suit, or should any claim be brought against it by suit or otherwise, whether the same be groundless or not, arising out the City approval of PP-14-02 and CU-14-06, the Applicant agrees to defend the City (at the City's request and with counsel satisfactory to the City) and will indemnify the City for any judgment rendered against it or any sums paid out in settlement or otherwise. For purposes of this section "the City" includes the City of Monterey Park's elected officials, appointed officials, officers, and employees.
2. This approval is for the project as shown on the plans reviewed and approved by the Planning Commission and on file. Before the City issues a building permit, the applicant must submit plans, showing that the project substantially complies with the plans and conditions of approval on file with the Community and Economic Development Department. Any subsequent modification must be referred to the Director of the Community and Economic Development Department, or designee (collectively, the "Director") for approval or referral to the Planning Commission.
3. All conditions of approval must be listed on the plans submitted for plan check and on the plans for which a building permit is issued.
4. Before building permits are issued, the applicant must obtain all the necessary approvals, licenses and permits and pay all the appropriate fees as required by the MPMC.
5. The real property, subject to PP-14-02 and CU-14-06 must remain well-maintained and free of graffiti; any graffiti must be removed within 24 hours after discovery.

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6. Landscaping/irrigation must be maintained in good condition at all times.
7. In addition to all applicable provisions of the MPMC, the Applicant must comply with the Mitigation Monitoring and Reporting Program (MMRP) that were prepared as a part of the environmental review for this project and all of the mitigation measures identified therein. The MMRP is incorporated into these conditions by reference.
8. The applicant must install temporary noise barriers to mitigate construction noise to the Director's satisfaction.
9. City records indicate that the proposed project site consists of more than one parcel. A parcel merger must be recorded before the City issues a building permit.

BUILDING:

10. Demolition permits are required to remove existing structures. The City will not issue a building permit until the demolition and sewer cap are approved by the Director and a compaction report is submitted to the Director's satisfaction showing adequate compaction of fills, if any. All underground utility lines must be capped within 5 feet of the property line and clearly marked.
11. A grading permit is required; the City will not issue a building permit until the rough grading is completed and approved by the Director of Public Works, or designee.
12. A building permit cannot be construed as permitting the excavations to encroach into adjacent property. The developer must protect adjacent property in accordance with Civil Code § 832.
13. The building plans must indicate the proposed path of building sewer, size of sewer line, location of cleanouts, and the invert elevation of the lateral at the property line.
14. A soils and geology report is required as part of the plan check submittal.
15. Interior noise levels attributable to exterior sources must not exceed 45db in any habitable room. An acoustical analysis report is required as part of the plan check submittal.
16. Before the City issues a building permit, the applicant must obtain a permit from CAL-OSHA for any trenching and scaffolding work.

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17. All improvements must comply with the California Building Code, California Plumbing Code, and California Electrical Code, all as adopted by the MPMC, in effect at the time the City issues building permits.
18. If buildings are separated with a horizontal three-hour fire assembly, special provisions in CBC Section 510, as adopted by the MPMC, apply to this project.

ENGINEERING:

19. Under the Los Angeles County Municipal "National Pollutant Discharge Elimination System (NPDES) Permit," which the City of Monterey Park is a permittee, this project involves the disturbance of soils by grading, clearing and/or excavation. Developer/owner is required to obtain a "General Construction Activity Storm Water" Permit, and the City of Monterey Park will condition the grading permits on evidence of compliance with this permit and its requirements. Compliance information is available in the Office of the City Engineer. Upon approval of the NPDES document by the City, the Developer/Owner must submit an electronic copy of the approved NPDES file, including site drawings, before the City issues a building or grading permit (the electronic copy requirement pertains to projects greater than one acre).
20. Consolidate existing 4 parcels into a single parcel by subdivision parcel map or process merger by documents.
21. The developer/owner is responsible for ascertaining and paying all City development fees such as, without limitation, sewer deficiency fees, water meter fees and metered water service impact fees as required by the MPMC. This condition also serves as notice pursuant to Government Code § 66020(d) that the City of Monterey Park is imposing impact fees ("DIFs") upon the project in accordance with the Mitigation Fee Act (Government Code § 66000, et seq.) and the MPMC. The applicant is informed that it may protest DIFs in accordance with Government Code § 66020.
22. All improvement plans, including grading and public improvement plans must be prepared in accordance with City approved data. Benchmark references to be obtained from the Engineering Division.
23. A water plan must be submitted for review and approval by the City Engineer. This plan must substantiate adequate water service for domestic flow, fire flow and identify backflow prevention. If current fire flow and pressure tests are not available to substantiate adequate pressure and flow to serve the development, the developer will be responsible for conducting the appropriate tests and submitting copies of the test results for review and ultimate approval by the City.

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24. Water Division requirements must be determined upon completion and submittal of a water meter sizing sheet by the applicant. This may include up sizing of water meter and water services. All upgrading costs are the responsibility of the property owner and must be completed before the City approves grading and drainage plans.
25. The applicant must provide survey monuments denoting the new property boundaries and lot lines to the satisfaction of the City Engineer. All maps must be prepared from a field survey. Compiled maps will not be permitted unless prior approval is granted by the City Engineer. Whenever possible, lot lines must be located to coincide with the top of all man-made slopes. Any deviation from this requirement must be approved by the City Engineer.
26. A site drainage plan must be prepared for review and approval by the City Engineer. The property drainage must be designed so that the property drains to the public street or in a manner otherwise acceptable to the City Engineer. A hydrology and hydraulic study of the site may be required for submittal to the City Engineer for review and approval.
27. All storm drainage facilities serving the development must accommodate a 50 year storm. If existing storm drain facilities are inadequate they must be enlarged as necessary. All storm drain facilities must be designed and constructed to Los Angeles County Department of Public Works standards and specifications and also to the satisfaction of the City Engineer before the City approves grading and drainage plans.
28. Any damage done to existing street improvements and utilities during construction must be repaired before acceptance of the project. Pre-existing damaged, deteriorated, substandard or off-curb curb, gutter, driveways and sidewalk must also be repaired or replaced to the satisfaction of the City Engineer. All existing driveways, if not to be used, must be removed and replaced with curb and sidewalk. Sidewalk must be full parkway width.
29. All public works improvements must comply with the standards and specifications of the City and to the satisfaction of the City Engineer.
30. All electric, telephone and cable TV utility services must be fully installed underground and to required City standards. Satisfactory provisions for all other utilities and service connections, including water, sewer and gas, must be made to City and public utility standards. A utility plan must be prepared and submitted before the City approves grading and drainage plans, showing all existing and proposed utilities. The utilities may be shown on either a separate plan or on the proposed site plan.

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31. A sewer connection reconstruction fee will be assessed at the time the City issues a building permit pursuant to MPMC Chapter 14.06.
32. The applicant must reconstruct existing sidewalk, curb and gutter, new drive approaches along entire frontage of North Atlantic Boulevard from south property line to Hellman Avenue. The new sidewalk must incorporate a 30 inches by 30 inches square scoring pattern. The applicant must construct rubberized asphalt overlay on Atlantic Boulevard within the project limits and up to the street centerline.
33. The applicant must reconstruct existing sidewalk, curb and gutter new drive approaches along entire frontage of Hellman Avenue from westerly property line to North Atlantic Boulevard. The new sidewalk must incorporate a 30 inches by 30 inches square scoring pattern. The applicant must construct rubberized asphalt overlay on Hellman Avenue within the project limits and up to the street centerline.
34. The applicant must construct new street lighting along Hellman frontage and along North Atlantic frontage per City Standard. The applicant must submit street lighting improvement plans to the City Engineer for approval.
35. All public works improvements must comply with the standards and specifications of the City and to the satisfaction of the City Engineer. All public improvements must be completed and accepted by the City before final inspection approval.
36. Relocate existing sewer manhole from within curb return at Hellman Avenue and Atlantic Boulevard to new position out of curb return. Construct new ADA curb ramp at intersection, including detectable warning panel.
37. The applicant must provide an irrevocable offer of dedication for 3 feet along North Atlantic Boulevard as necessary to accommodate the proposed 10 feet wide sidewalk and three southbound thru lanes.
38. The applicant must construct new concrete bus pad at existing bus stop on North Atlantic Boulevard, install new bus shelter and furnishings per City Standard.
39. The City of Monterey Park will remove the existing landscaped median island on Atlantic Boulevard. However, the applicant must design and construct new landscaped median improvements along Atlantic Boulevard in front of the project site as necessary to accommodate the proposed three southbound thru lanes and allow left-turn ingress from northbound Atlantic Boulevard into the main driveway entrance.
40. The grading and drainage plan must be submitted with the first plan check and incorporate all pertinent site development comments from the City's geological and geotechnical consultants and also include the approved geological and

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geotechnical report submitted by the developer's consultant, as approved by the City Engineer.

41. Parkways must be irrigated and landscaped per plans submitted for review and approval by the City Engineer before approval of the grading and drainage plans. The parkway design must be consistent with the design of the parkway in front of the Atlantic Times Square development. The need for preserving existing street trees and/or providing additional street trees must be reviewed and approved by the City Recreation and Community Services Director, or designee.
42. The City may restrict driveway access to and from the project in the event future traffic conditions warrant such restricted turn movements.
43. The applicant must submit a complete detailed striping plan for Director's approval. The Director will determine final conditions and comments for the striping plan once it is complete in accordance with MPMC § 21.22.150.
44. The off-site driveway approach must align true and square with the on-site driveway.
45. One-way traffic must have a minimum of 12 feet in width; two-traffic must have a minimum of 26 feet in width per MPMC § 21.22.160.
46. Show existing curb markings and street signage fronting the project on plans. MPMC § 21.22.180(B).
47. Provide scaled turning templates for larger vehicles, e.g., sport utility vehicles per MPMC § 21.22.320(A).
48. Each parking stall must have a minimum of 18 feet perpendicular to the stall and 12 feet parallel to the stall, directly adjacent to the rear of the stall, to allow for vehicle maneuverability clearance.

FIRE:

49. All conditions identified by the Fire Department are subject to review and approval by the Fire Chief for determination of applicability and extent to which any condition may be required.
50. Building height exceeds 30 feet in height. A dedicated ladder truck access road is required. Access road must be provided from Atlantic Boulevard to Hellman Avenue. The minimum unobstructed width must be 26 feet and be at least 15 feet, but not further than 30 feet, from the west side of the building. Except for approved security gates in accordance with California Fire Code (CFC) § 503.6, as adopted by the MPMC, a minimum unobstructed vertical clearance of 13 feet

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6 inches must be provided for the access road, per the CFC Appendix D105.1, as adopted by the MPMC.

51. When security gates are provided, maintain a minimum access width of 20 feet. The security gate must be provided with an approved means of emergency operation, and must be maintained operational at all times. Electric gate operators, where provided, must be listed in accordance with Underwriters Laboratories (UL) 325. Gates intended for automatic operation must be designed, constructed and installed to comply with the requirements of ASTM F220 per the CFC § 503.6, as adopted by the MPMC.
52. Fire Department vehicular access roads must be provided with a 32-foot centerline turning radius, per the CFC § 503.2.4, as adopted by the MPMC.
53. Provide approved signs or other approved notices or markings that include the words NO PARKING - FIRE LANE. Signs must be provided for fire apparatus access roads, to clearly indicate the entrance to such road, or prohibit the obstruction thereof, as required by the Fire Inspector per the CFC § 503.3, as adopted by the MPMC.
54. Fire Department vehicular access roads must be hardscape all weather access in accordance with the Department's All Weather Access Requirements per the CFC § 503.2.3, as adopted by the MPMC.
55. Fire Department vehicular access roads must be installed and maintained in a serviceable manner before and during the time of construction. Fire Code 501.4
56. A minimum 5 foot wide approved firefighter access walkway leading from the fire apparatus access road to the building's exterior openings shall be provided for fire fighting and rescue purposes, per the CFC § 504.1, as adopted by the MPMC.
57. Fire apparatus access roads must be identified with approved signs. Temporary signs must be installed at each street intersection when construction of new roadways allows passage by vehicles. Signs must be of an approved size, weather resistant and be maintained until replaced by permanent signs per the CFC § 505.2, as adopted by the MPMC.
58. 2013 Fire Code Table B105 must determine the required fire flow for fire hydrants at this location based on type of construction and total fire area. Plan submittal must include fire flow test data obtain within one year of the submittal date. The fire flow test can be requested at the Fire Prevention office.
59. Show all existing public fire hydrants within 250 feet of the lot frontage on both sides of the street. Specify size of fire hydrant(s) and dimension(s) to property

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lines. Additional fire hydrant requirements may be necessary after this information is provided per the CFC § C105.2.2, as adopted by the MPMC.

60. All fire hydrants must measure 6" x 4" x 2-1/2", brass or bronze, conforming to American Water Works Association Standard C503, or approved equal, per the CFC § 507.5, as adopted by the MPMC.
61. Building height and area must be determined by the California Building Code (CBC) Table 503, as adopted by the MPMC. Per the CBC §§ 504.2 and 506.3, installation of an automatic fire sprinkler system in an R-1 occupancy will allow either an increase in stories/height or allowable floor area but not both.
62. Provide an approved Class I standpipe system in all stairwells on all levels including the roof as set forth by CBC and CFC § 905.
63. Provide an approved automatic fire sprinkler system and fire alarm as set forth by the CFC §§ 903 and 907.
64. An approved grease interceptor is required for all new restaurants in the City of Monterey Park. The grease interceptor must be designed and constructed in accordance to the County of Los Angeles, Department of Public Works Standard Plan No. 2046-0 or other design specifically approved by the Environmental Programs Division. Indicate the type of grease interceptor and the installation location. The property owner must be responsible for maintenance of the grease interceptor and submit quarterly manifest reports to the fire department for review.
65. Provide smoke alarms in each room for sleeping purposes and at a point centrally located in the corridor or area giving access to each separate sleeping area. Smoke alarms must be installed in accordance with the manufacturers' instructions. Indicate the smoke alarms locations on plans per the CFC § 907.2.11.1, as adopted by the MPMC.
66. Carbon monoxide alarms must be provided either within all sleeping units or else the building must be provided with a carbon monoxide alarm system that protects all common areas per the CBC § 420.6, as adopted by the MPMC.
67. Guest rooms designated as accessible by the Building Department must be provided with visible alarm notification appliances per the CFC § 907.5.2.3.3, as adopted by the MPMC.
68. Smoke dampers must be provided whenever ducts penetrate smoke barriers and elevator lobbies as set forth by the CBC. Fire dampers must be provided whenever ducts penetrate the ceiling of fire-resistive floor-ceiling or roof-ceiling assemblies, an atrium enclosure element, or areas of refuge. In addition, the

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building exterior must have protected opening as set forth by the CBC Chapter 7. Identify smoke/fire dampers per the CBC § 716.4, as adopted by the MPMC.

69. A minimum of one rated stairwell must extend to the roof per the CFC § 504.3, as adopted by the MPMC.
70. Provide approved stairway identification signs located approximately 5-feet above the floor landing, at each floor level, and in all enclosed stairways in buildings three or more stories in height. Provide stairway identification signs for review and approval by the Fire Department per the CFC §§ 1022.8 and 1022.8.1, as adopted by the MPMC.
71. Every guest room must have clearly visible emergency procedures information printed on a floor plan representative of the floor level and posted on the interior of each entrance door per the CFC § 404.7.2, as adopted by the MPMC.
72. Emergency procedures information printed on a floor plan must be posted at every stairway landing, at every elevator landing, and immediately inside all public entrance to the building per the CFC § 404.7.3.1, as adopted by the MPMC.
73. A minimum of one elevator providing general stretcher dimensions and extending to the top floor must be provided per the CBC § 3002.4a, as adopted by the MPMC.
74. Provide illuminated exit signs when two or more exits are required from a room or an area. Exit signs must be readily available from any direction of approach and must be located as necessary to clearly indicate the direction of egress travel. No point must be more than 100 feet from the nearest visible exit sign. Indicate all exit sign locations on plans per the CFC § 1011, as adopted by the MPMC.
75. Low-level exit signs are required in all interior rated corridors and areas serving guest rooms of Group R, Division 1 Occupancies. Indicate all floor-level exit sign location on plans per the CFC § 1011.6, as adopted by the MPMC.
76. Fire Department access roads and portable fire extinguishers must be provided and maintained during construction, alternation or demolition of a building per the 2013 CFC §§ 1410.1 and 1415, as adopted by the MPMC.
77. A permit must be obtained from the Fire Department before engaging in activities, operations, practices or functions as indicated in the CFC §§ 105.6. and 105.7, as adopted by the MPMC.
78. Fire protection, including fire apparatus access roads and water supplies for fire hydrant must be installed and made serviceable before and during the time of construction per the CFC § 501.4, as adopted by the MPMC.

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79. Marking of fire apparatus access roads and approved signs must be provided to identify such roads and prohibits the obstruction thereof or both that include the words NO PARKING – FIRE LANE per the CFC § 503.3, as adopted by the MPMC.
80. An approved number or address must be provided on all new and existing buildings in such a position as to be plainly visible and legible from the street or road fronting the property. Numbers must be a minimum of 6-inch high by ½-inch stroke and be a contrasting background per the CFC § 505.1, as adopted by the MPMC.
81. The suite address designation shall be installed on or near all exterior doors of the suite in 3-inch high numbers or letters on a contrasting background per CFC § 505.1, as adopted by the MPMC.
82. All rated exit stairwells must have keyed exterior doors on the ground level. Knox boxes must be provided adjacent to all exit stairwell exterior doors at approved locations. A Knox box must also be provided adjacent to the main entrance at an approved location per the CFC § 506.1, as adopted by the MPMC.
83. Fire/Smoke dampers, when required, must be interconnected to the Fire Alarm (if the building is equipped with a fire alarm system). A separate plan submittal and permit is required for the alarm work as per the CFC § 901.2.1, as adopted by the MPMC.
84. Air-moving systems (i.e. HVAC) supplying air in excess of 2,000 CFM to enclosed spaces within buildings must be equipped with automatic shut-off. When required, duct smoke detectors must be installed in the main supply-air duct served by such equipment and interconnected to the fire alarm (if the building is equipped with a fire alarm). A separate plan submittal and permit is required for the alarm work per the 2013 California Mechanical Code § 609, as adopted by the MPMC.
85. Portable fire extinguishers must be installed per the 2013 CFC § 906. Start the placement of the fire extinguisher near the main exit door. Mount the fire extinguisher in a visible and accessible location, 3 to 5 feet above the finished floor to the handle. Not more than 5 feet above the finished floor for extinguishers weighing 40 pounds or less and not more than 3 to 5 feet above the floor for extinguishers weighing more than 40 pounds. Building with multiple floors must have at least one fire extinguisher per floor.
86. Light Hazard Occupancies (offices, classrooms, churches, assembly rooms, residential, etc.) require “2A10BC” fire extinguishers. The maximum coverage area is 6,000 square feet per extinguisher and the maximum travel distance cannot exceed 75 feet.

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87. Ordinary Hazard Occupancies (parking garages, retail, light manufacturing factories, warehouse without high-piled storage, etc.) require "3A40BC" fire extinguishers. The maximum coverage area is 4,500 square feet per extinguishers and the maximum travel distance cannot exceed 75 feet.
88. Commercial Kitchens require a fire extinguisher listed and labeled for Class K fires to be provided within 30 feet of travel distance to commercial food heat-processing equipment.
89. A readily visible and durable sign shall be provided above the main entrance door stating: "THIS DOOR TO REMAIN UNLOCKED WHILE BUILDING IS OCCUPIED" in occupancy Group A having an occupant load of 300 or less, Groups B, F, M and S must be equipped with common knowledge lever type, single action hardware, unless panic hardware is specifically required per the CFC § 1008.1.9.3, as adopted by the MPMC.
90. All doors designated as exits, except for the main entrance in Group A with less than 300 persons, B, F, M, and S occupancies must be equipped with common knowledge lever type, single action hardware, unless panic hardware is specifically required per the CFC § 1008.1.9, as adopted by the MPMC.
91. Additional exit signs may be required at the time of final inspection, if the ones provided do not meet the intent of the code per the CFC § 1011.1, as adopted by the MPMC.
92. If emergency illumination is existing and/or required, additional fixtures may be required to be installed (verify the requirements with the plans). The lighting must provide a minimum of one-foot candle at the floor level throughout the exit path. Testing of the fixtures will be required during the final inspection. The Fire Inspector may request a nighttime test at his/her discretion to confirm the minimum requirement of one-foot candle at floor level per the CFC § 1006, adopted by the MPMC.
93. Any room having an occupant load of 50 or more where fixed seats are not installed, and which is used for assembly purposes, must have the capacity of the room posted in a conspicuous place on an approved sign near the main exit from the room the CFC § 1004.3, as adopted by the MPMC.
94. Any fire sprinkler system installation or modification requires a separate plan check submittal and approval. Work cannot commence until a fire permit is obtained. Inspection of the rough piping must be performed before being concealed. Ceiling tiles and/or dry wall must not be installed unless approved by the Fire Inspector per the CFC § 901.2, as adopted by the MPMC.

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95. Any fire alarm and/or fire sprinkler system monitoring installation or modification requires a separate plan check submittal and approval by the Fire Chief, or designee. Work cannot commence until a fire permit is obtained. Inspection of the system shall be performed and subject to acceptance tests before operation per the CFC § 907.1.1, as adopted by the MPMC.
96. Other fire protection systems and appurtenances (e.g., commercial cooking operations for hood fire suppression, underground fire line, standby power systems, FM-200) installation or modification requires a separate plan check submittal and approval. Inspection of the system must be performed and subject to acceptance tests before operation per the CFC § 904.1, as adopted by the MPMC.
97. A two-way, approved Fire Department communication system must be provided for Fire Department use. It must operate between the main control room and elevators, elevator lobbies, emergency and standby power rooms and at entries into enclosed stairways per the CFC §§ 907.2.13.2 and 914.3.4, as adopted by the MPMC.
98. Emergency responder radio coverage must be provided per the CFC § 510.1 and MPMC § 17.02.110.
99. Provide a minimum of one standpipe system for use during construction. Such standpipe shall be installed when the progress of construction is not more than 40 feet in height above the lowest level of fire department access per the CFC § 1413, as adopted by the MPMC.
100. Provide a parking space clearly labeled and reserved for "Fire Vehicles" on the ground floor. This parking space must be located within close proximity of the business. The location of the parking space is subject to the approval of the Fire Chief.
101. Contractor's statement of compliance. Before requesting final approval of the installation of fire protection systems and appurtenances, the installing contractor must furnish a written statement to the Fire Inspector that the subject fire protection system was installed in accordance with approved plans and has been tested in accordance with the manufacturer's specifications and the appropriate installation standard. Any deviations from the design standard must be noted and copies of the approvals for such deviations must be attached to the written statement per CFC § 901.2.1, as adopted by the MPMC.
102. The owner of the protected premises will be responsible for all annual inspection, testing, and maintenance for all fire protection systems and their appurtenances within the protected premises in accordance to their referenced national standards and submit said reports annually to the Fire Chief, or designee, one

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year after commissioning of each system. The Fire Chief, or designee, will review the annual reports that will be subject to a fee for review and inspections as deemed required by the Fire Chief per CFC § 901.1.1, as adopted by the MPMC.

103. An on-site Fire Inspector may be required for this project at no expense to the jurisdiction for the duration of the project construction as determined by the Fire Chief, or designee. The on-site inspector must be approved by the Fire Chief, or designee.
104. A building code and egress analysis report of the applicable portions of the 2013 California Fire and Building code must be prepared by a qualified and licensed professional. The report will bear the stamp of a registered design professional to analyze the fire safety properties of the design, operation, or use of the building or premise and the facilities and appurtenances for review by the fire code official without charge to the jurisdiction per the CFC § 104.7.2, as adopted by the MPMC.
105. If "As-built" plans are required, additional fees will be due for the review of the drawings.

POLICE:

106. Exterior lighting must be in full operation at all times.
107. The property owner must hire and private security for the entire complex. The private security company must be properly licensed and meet all the criteria and legal obligations to operate a private security company. There must be a minimum of two security guards on the premises at all times. The Chief of Police has the authority to increase or decrease the number of security guards as the situation calls for.
108. All major common areas of the locations, including all parking areas, must be covered by security video cameras. All security cameras must operate 24-hours a day, seven days a week. All cameras must record onto a recording medium and all recordings must be maintained in a secure and locked enclosure. Security video cameras must be installed at all the entrance/exits and must be positioned to capture the faces of people entering and exiting. All recordings must be maintained for a minimum of 30 days. All recordings must be made readily available for any law enforcement official who requests the recording(s) for official purposes. If the Chief of Police determines that additional security cameras are required, the management must comply with the direction within 7 days. Also, access to all security video cameras must be made available to the Police Department, via the internet, by providing the IP address for all cameras. The Chief of Police can also require a change in the position of the video cameras if it is determined that the position of the camera does not meet security

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needs. The management must comply with the request within 7 days. A comprehensive security plan must be submitted to the Police Department for final review and approval before the project opening.

109. Property management will work with the Police Department to identify a designated area on the property where emergency vehicles may park within close proximity of the business complex when responding for calls for service at the location. This area can be designated at a later time but must be subject to the approval of the Chief of Police.
110. Any gate code/key must be provided to the Police Department so that access can be made in case of emergencies.
111. Access to the roof of the hotel building will be locked and secured. Access to the roof will be restricted to maintenance personnel, building management, or other authorized personnel.
112. All businesses in the complex are encouraged to join and participate in the Monterey Park Police Department's Business Watch Program; a fee service designed to educate businesses about minimizing criminal activity. The Community Relations Bureau can be contacted at (626) 307-1215
113. The shrubbery on the property must be installed and maintained in such a condition as to not restrict visibility from the street or easily conceal persons.
114. All business locations must comply with federal, state, and local laws governing business licensing, noise levels, alcohol sales and consumption. All business locations must obtain the appropriate license(s) from the regulation agency in order to conduct business in the City of Monterey Park.

By signing this document, the authorized representative Ethan Capital, LLC, certifies that the he or she has read, understood, and agrees to the Project Conditions listed in this document on behalf of the applicant.

Ethan Capital LLC, Applicant